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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA 921/1994

New Delhi, this 22nd day of November, 1994

Shri C.J. Roy, Member (J)

1. Smt, Lali Devi
w/o late Shri Daya Chand
Qr.No.24/A2A, Telecom Colony
SS Mota Singh Marg
Janakpuri, New Delhi-110 058
2. Shri Vinay Kumar
s/o Shri Daya Chand
Telecom Colony, SS Mota Singh Marg
Janakpuri, New Delhi-110 058 .. Applicants

By Advocate Shri M.L. Chawla

Versus

1. Union of India, through
Secretary to the Govt. of India
M/Telecommunications
Deptt. of Telecom
New Delhi-1
2. The Chief General Manager
(NTR) Deptt. of Telecom
Kidwai Bhawan
New Delhi-1
3. The Chief Superintendent
Central Telegraph Office
Janpath, New Delhi-1 .. Respondents

By Shri B. Lall, Advocate

ORDER

The applicants are aggrieved by the order dated 13.4.94 (Annexure A-1) whereby the case of Applicant No.2 above for compassionate appointment is rejected. The husband of Applicant No.1 died in harness on 1.6.92 while in service leaving behind his widow and four children. The applicants are getting family pension with effect from 2.6.92. Applicant No.2 filed an OA 3329/92, which was disposed of by this Tribunal on 26.3.93 with a direction to the Respondents to consider ^{her} ~~his~~ case for compassionate appointment and not to evict the family from the Government accommodation, subject to their paying the rent according to the rules, till the disposal of the applicant's representation for compassionate appointment.

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2. The grievance of the applicants is that the respondents displayed a total lack of concern in this matter despite the direction of this Tribunal by rejecting the appeal for compassionate appointment. They, therefore, claim the following reliefs in the present OA:

- (i) To direct the respondents to grant compassionate appointment to Applicant No.2
- (ii) To direct the respondents not to evict the family from the Govt. accommodation
- (iii) To further direct the respondents to regularise the quarter in the name of applicant No.2 in the event of his being given compassionate appointment.

3. The respondents have filed their reply. They state that this Tribunal while disposing of the earlier OA 3329/92, as cited supra, came to a conclusion that 'it can not be disputed that the family is in indigent circumstances, seeing to the terminal benefits awarded to the family of the deceased as well as the strength of the family which survives the deceased employee'. The respondents also state that the applicants have suppressed an important fact in both the OAs that the eldest son of the deceased, namely Shri Rakesh Kumar, is already in Government service.

4. In so far as the direction in OA 3329/92 is concerned, the respondents state that the representation of Applicant No.1 was considered taking all aspects into consideration, but the same was rejected by letter dated 2.9.93 stating reasons thereto. Her appeal dated 3.10.93 was considered and rejected by the impugned letter dated 13.4.94 followed by another letter dated 10.5.94 confirming

the same. Hence, they claim that there is no question of regularisation of the quarter in the name of the applicant No.2 and, therefore, the interim stay order passed on 6.5.94 against the eviction order may be vacated.

6. The applicant has filed his rejoinder reasserting the contentions made in his OA.

6. I have heard the learned counsel for the parties and perused the records.

7. Compassionate appointment is not a matter of right. In response to the direction given in OA 3329/92 earlier filed by the applicant No.2, the respondents already considered the case of the applicant and disposed of the same. Even though the respondents insist that the employment of the eldest son is not brought to their notice, the learned counsel for the applicant submitted that the eldest son, though employed, is married and living at a different town. The deceased has left behind three sons and one daughter. In the circumstances, I direct the respondents to reconsider the case keeping this point in view and pass an appropriate order within three months from the date of receipt of this order. However this shall not be treated as a precedent. The third prayer cited supra with reference to quarter will follow suit till the reconsideration.

8. The OA is thus disposed of. No costs.

22/11/94
(C.J. Roy)
Member (J)

/tvq/